

REMARKS

This amendment is responsive to the non-final Office Action dated January 20, 2010. After its entry, claims 1-4 and 9-14 are pending and subject to examination. The specification is amended to insert a section titled “BRIEF DESCRIPTION OF THE DRAWING.” Claim 1 is amended. Support for the amendment to claim 1 is found in Examples 1-28 on pages 8-11 of the present specification. No new matter is added.

Reconsideration of the application as amended is respectfully requested in view of the following remarks.

Objection to the Specification

The specification stands objected to because it lacks a brief description of the drawings. Applicants have amended the specification to insert a section titled “BRIEF DESCRIPTION OF THE DRAWING” and submit that this amendment obviates this objection.

Rejection Under 35 U.S.C. § 112, First Paragraph

Claims 1-4 and 10-14 stand rejected for lack of enablement. Applicants respectfully traverse. However, in the interest of expediting prosecution, Applicants have amended claim 1 to define R₂ as an “aromatic ring system having 6 to 40 aromatic C atoms, wherein said aromatic ring system is optionally substituted by one or more radicals R³ or a heteroaromatic ring system having 1 to 40 aromatic C atoms, wherein said heteroaromatic ring system is optionally substituted by one or more radicals R³” and to recite that the compound of formulae (2) or (3) has a molecular weight of ≥ 390 g/mol. The Examiner has already indicated that (1) aromatic ring systems having 3 to 40 carbon atoms and (2) compounds of formulae (2) or (3) having a molecular weight of ≥ 390 g/mol are enabled by the present specification. Therefore, aromatic ring systems having 6 to 40 aromatic C atoms should likewise be enabled by the present specification. The six-membered benzene rings in Examples 1-28 provide adequate written description support for the recited range of 6 to 40 aromatic C atoms. Furthermore, Applicants

submit that the recited heteroaromatic ring systems having 1 to 40 aromatic C atoms are also enabled by the specification. The Examiner asserts that such rings are impossible. However, heteroaromatic rings containing one or two carbon atoms are indeed possible and well known. Examples include triazole, oxadiazole, and tetrazole rings. For these reasons and in view of the amendments to claim 1, Applicants submit that claims 1-4 and 10-14 are enabled and patentable. Applicants respectfully request withdrawal of this rejection.

In view of the foregoing amendment and remarks, Applicants submit that the pending application is in condition for allowance.

Applicants believe no fee is due with this amendment. However, if a fee is due, the Director is hereby authorized to charge our Deposit Account No. 03-2775, under Order No. 14113-00051-US, from which the undersigned is authorized to draw.

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Respectfully submitted,

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